

4:20-cv-01410

# EXHIBIT C

# STATE COURT FILE

**IN THE CIRCUIT COURT OF LINCOLN COUNTY, MISSOURI  
ASSOCIATE CIRCUIT JUDGE DIVISION**

|                                |   |           |
|--------------------------------|---|-----------|
| WENDY NOBLE,                   | ) |           |
|                                | ) |           |
| Plaintiff,                     | ) |           |
|                                | ) |           |
| v.                             | ) |           |
|                                | ) | Case No.: |
| CREDIT CONTROL SERVICES, INC., | ) |           |
|                                | ) | Division  |
| Serve registered agent at:     | ) |           |
| The Corporation Trust Company  | ) |           |
| 1209 Orange Street             | ) |           |
| Wilmington, Delaware 19801     | ) |           |
|                                | ) |           |
| Defendant.                     | ) |           |

**PETITION FOR DAMAGES**

Plaintiff Wendy Noble, through her undersigned counsel, submits her Petition for Damages against Defendant Credit Control Services, Inc., and states:

**Parties, Jurisdiction and Venue**

1. Plaintiff Wendy Noble (“Noble”) is an individual who at all times material to this Petition resided in Lincoln County, Missouri.

2. Defendant Credit Control Services, Inc. (“CCS”) is a Delaware corporation with its principal place of business in Massachusetts.

3. CCS describes its business as “consumer collections.”

4. CCS describes itself on its website as “one of the nation’s largest and most respected collection firms.”

5. Jurisdiction is proper in the Court under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692k(2)(d), because this Court is a court of competent jurisdiction to adjudicate actions brought under the FDCPA.

6. Venue is proper in the Circuit Court of Lincoln County, Missouri, because Noble was first harmed in Lincoln County, Missouri.

### **Background**

7. Noble filed a Chapter 7 bankruptcy on February 12, 2020.

8. Noble filed a Chapter 7 bankruptcy to assist with alleviating her purported debts and to alleviate being harassed by debt collectors.

9. On information and belief, CCS was retained to attempt to collect a debt purportedly owed to Nationwide Insurance.

10. On information and belief, CCS retains a portion of the amounts it collects for its clients, including Nationwide Insurance.

11. The purported debt was a consumer debt as it was allegedly incurred for personal or household purposes.

12. One way in which CCS attempts to collect debts is by reporting debt to the three major credit reporting agencies.

13. On information and belief, CCS reports debts to credit reporting agencies to pressure consumers such as Noble to pay the purported debts.

14. Months after Noble filed for bankruptcy, and in the midst of the COVID-19 pandemic, CCS continued to report the debt it alleged Noble to owe to the credit reporting agencies as an open and active account, rather than reporting that the debt was part of the bankruptcy.

15. On information and belief, CCS continued to misreport Noble's purported debt in this manner to pressure her to pay the purported debt.

**Count I –Violations of the Fair Debt Collection Practices Act,  
15 U.S.C. §1692, *et seq.***

16. Noble incorporates the allegations of the previous paragraphs as if fully stated in this Count.

17. Noble is a “consumer” as defined by the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692a(6), because she is a natural person and is alleged by CCS to owe a debt.

18. This lawsuit concerns a “debt” as defined by the FDCPA, 15 U.S.C. §1692a(5), because CCS alleged Noble owed a sum of money arising out of a transaction that was primarily for personal, family or household purposes.

19. CCS is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6), because it regularly collects or attempts to collect, directly or indirectly, debts owed or asserted to be owed to another entity.

20. CCS is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6), because it uses interstate commerce or the mails for a business the principal purpose of which is the collection of debts.

21. CCS’ actions violate the FDCPA, 15 U.S.C. §1692e(2), because it false communicated the legal status of the debt allegedly owed by Noble.

22. CCS’ actions violate the FDCPA, 15 U.S.C. §1692e(8), because it communicated false credit information concerning the debt allegedly owed by Noble.

23. CCS’ actions violate the FDCPA, 15 U.S.C. §1692e(10), because its improper reporting constitutes a false representation and is also a deceptive means of collecting a debt.

24. CCS’ actions violate FDCPA, 15 U.S.C. §1692e, because its conduct constitutes a false, deceptive, or misleading representation as a means to collect a debt.

25. CCS' actions violate the FDCPA, 15 U.S.C. §1692f, because it used an unfair or unconscionable means to collect a debt by misrepresenting the status of the debt as a basis to collect or attempt to collect the debt from Noble.

26. Noble incurred stress and anxiety because of CCS' actions.

27. Due to CCS' illegal conduct as described above, Noble is entitled to actual damages under the FDCPA, 15 U.S.C. §1692k(a)(1).

28. Due to CCS' illegal conduct as described above, Noble is entitled to statutory damages of \$1,000.00 under the FDCPA, 15 U.S.C. §1692k(a)(2)(A).

29. Due to CCS' illegal conduct as described above, Noble is entitled to costs and attorneys' fees under the FDCPA, 15 U.S.C. §1692k(a)(3).

WHEREFORE Plaintiff Wendy Noble requests that the Court enter a judgment against Defendant Credit Control Services, Inc. for an amount of \$25,000.00 or less, for all actual damages, statutory damages and attorney's fees available under the Fair Debt Collection Practices Act and for her court costs, and all applicable pre-judgment and post-judgment interest.

**BUTSCH ROBERTS & ASSOCIATES LLC**

By: /s/ Christopher E. Roberts

David T. Butsch #37539

Christopher E. Roberts #61895

231 South Bemiston Ave., Suite 260

Clayton, MO 63105

(314) 863-5700 (telephone)

(314) 863-5711 (fax)

butsch@butschroberts.com

roberts@butschroberts.com

Attorneys for Plaintiff Wendy Noble

**IN THE CIRCUIT COURT OF LINCOLN COUNTY, MISSOURI  
ASSOCIATE CIRCUIT JUDGE DIVISION**

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| WENDY NOBLE,                   | ) |           |
|                                | ) |           |
| Plaintiff,                     | ) |           |
|                                | ) |           |
| v.                             | ) |           |
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| Serve registered agent at:     | ) |           |
| The Corporation Trust Company  | ) |           |
| 1209 Orange Street             | ) |           |
| Wilmington, Delaware 19801     | ) |           |
|                                | ) |           |
| Defendant.                     | ) |           |

**MOTION TO APPOINT SPECIAL PROCESS SERVERS**

Plaintiff Wendy Noble, through her counsel requests that the Court appoint process servers Daniel Newcomb and Sharlene Ryan of Delaware Attorney Services, 3516 Silverside Road, Wilmington, Delaware 19803 (Phone number: 302-429-0657) to serve the Petition and Summons on Defendant Credit Control Services, Inc. Defendant's registered agent is located at: The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801.

So ordered/approved as requested: \_\_\_\_\_

Date: \_\_\_\_\_

**BUTSCH ROBERTS & ASSOCIATES LLC**

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So ordered/approved as requested: \_\_\_\_\_

*Gregory K. Allebury*

Date: \_\_\_\_\_

**8/25/2020**



**BUTSCH ROBERTS & ASSOCIATES LLC**

By: /s/Christopher E. Roberts

David T. Butsch #37539

Christopher E. Roberts #61895

231 South Bemiston Ave., Suite 260

Clayton, MO 63105

(314) 863-5700 (telephone)

(314) 863-5711 (fax)

butsch@butschroberts.com

roberts@butschroberts.com

Attorneys for Plaintiff Wendy Noble



## IN THE 45TH JUDICIAL CIRCUIT, LINCOLN COUNTY, MISSOURI

|  |  |
|--|--|
| Judge or Division:<br>GREGORY K. ALLSBERRY             | Case Number:<br>20L6-AC00683   |
| Plaintiff/Petitioner:<br>WENDY NOBLE                   | Plaintiff's/Petitioner's Attorney/Address:<br>CHRISTOPHER ELISHA ROBERTS<br>211 N BROADWAY, STE 2500<br>SAINT LOUIS, MO 63102          |
| Defendant/Respondent:<br>CREDIT CONTROL SERVICES, INC. | Date, Time and Location of Court Appearance:<br>26-OCT-2020, 02:30 PM<br>Associate Div III<br>45 BUSINESS PARK DRIVE<br>TROY, MO 63379 |
| Nature of Suit:<br>AC Other Tort                       |  |

(Date File Stamp)

**Associate Division Summons – SPECIAL PROCESS SERVER**

The State of Missouri to: CREDIT CONTROL SERVICES, INC.

Alias:

THE CORPORATION TRUST CO.  
1209 ORANGE STREET  
WILMINGTON, DE 19801

COURT SEAL OF



LINCOLN COUNTY

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to chapter 517, RSMo. Should you have any questions regarding responsive pleadings in this case you should consult an attorney.

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

8-24-2020

Date

/S/J.MENNE

Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Service must not be made less than 10 days nor more than 60 days from the date the defendant/respondent is to appear in court. Service should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to:

\_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other: \_\_\_\_\_.

Served at \_\_\_\_\_ (address) in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer.**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

**Sheriff's Fees, if applicable**

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ (\_\_\_\_\_ miles @ \$.\_\_\_\_\_ per mile)

Total \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Job # 4818346  
Ref # 20L6-AC00683**Affidavit of Process Server**In The 45th Judicial Circuit, Lincoln County, Missouri  
(NAME OF COURT)Wendy Noble  
PLAINTIFF/PETITIONER

VS

Credit Control Services, Inc.  
DEFENDANT/RESPONDENT20L6-AC00683  
CASE NUMBER

I Sharlene Brooks, being first duly sworn, depose and say: that I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized to perform said service.

Service: I served Credit Control Services, Inc.  
NAME OF PERSON / ENTITY BEING SERVEDwith (list documents) Associate Division Summons; and Petition for Damages (Received Aug 26, 2020 at 11:11am EDT)  
by leaving with Amy McLaren, Managing Agent authorized to accept service  
NAME/RELATIONSHIP/TITLEService Address: Corporation Trust Company, Registered Agent 1209 Orange St., Wilmington, DE 19801On Tue, Sep 01 2020 AT 01:10 PM  
DATE TIMEThereafter copies of the documents were mailed by prepaid, first class mail on \_\_\_\_\_  
DATEfrom \_\_\_\_\_  
CITY STATE ZIP**Manner of Service:**

- ☐ Personal: By personally delivering copies to the person being served.
- ☐ Substituted at Residence: By leaving copies at the dwelling house or usual place of abode of the person being served with a member of the household over the age of 18 and explaining the general nature of the papers.
- ☐ Substituted at Business: By leaving, during office hours, copies at the office of the person/entity being served with the person apparently in charge thereof.
- ☒ Corporate: By personally delivering copies to the person named above.
- ☐ Posting: By posting copies in a conspicuous manner to the front door of the person/entity being served.
- ☐ Inquired if subject was a member of the U.S. Military and was informed they are not.

Non-Service: After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

- ☐ Unknown at Address ☐ Moved, Left no Forwarding ☐ Service Cancelled by Litigant ☐ Unable to Serve in Timely Fashion
- ☐ Address Does Not Exist ☐ Other \_\_\_\_\_

Description: Age 35 Sex Female Race Caucasian Height 5'7" Weight 140 Hair Brown Beard \_\_\_\_\_ Glasses \_\_\_\_\_Date: September 03, 2020Sharlene Brooks  
SIGNATURE OF PROCESS SERVERSubscribed and sworn before me a Notary Public of the State of Delaware on September 03, 2020 (Date)Kimberly J. Ryan  
SIGNATURE OF NOTARY PUBLIC  
NOTARY PUBLIC for the State of Delaware

KIMBERLY J. RYAN  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires March 31, 2024



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20L6-AC00683 - WENDY NOBLE V CREDIT CONTROL SERVICES, INC. (E-CASE)

|                             |   |                                |  |                                     |                             |   |                                 |   |
|-----------------------------|---|--------------------------------|--|-------------------------------------|-----------------------------|---|---------------------------------|---|
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## 09/15/2020 ☐ Corporation Served

Document ID - 20-ADSM-778; Served To - CREDIT CONTROL SERVICES, INC.; Server - ; Served Date - 01-SEP-20; Served Time - 13:10:00; Service Type - Special Process Server; Reason Description - Served

## ☐ [Affidavit Filed](#)

Affidavit of Service.

**Filed By:** CHRISTOPHER ELISHA ROBERTS

**On Behalf Of:** WENDY NOBLE

## 08/24/2020 ☐ [Summons Issued-Associate](#)

Document ID: 20-ADSM-778, for CREDIT CONTROL SERVICES, INC..

## ☐ [Order - Special Process Server](#)

## ☐ Return Scheduled

**Scheduled For:** 10/26/2020; 2:30 PM ; GREGORY K. ALLSBERRY; LINCOLN COUNTY

## 08/19/2020 ☐ Filing Info Sheet eFiling

**Filed By:** CHRISTOPHER ELISHA ROBERTS

## ☐ [Motion Special Process Server](#)

Motion to Appoint Special Process Servers.

**Filed By:** CHRISTOPHER ELISHA ROBERTS

**On Behalf Of:** WENDY NOBLE

## ☐ [Pet Filed in Associate Ct](#)

Petition.

## ☐ Judge Assigned